

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

NEW YORK STATE FIREARMS ASSOCIATION,

et al.,

Plaintiffs,

v.

Civil Action No. 23-CV-6524-FPG

DOMINICK L. CHIUMENTO, in his official capacity as
Acting Superintendent of the New York State Police,

Defendant.

**DECLARATION OF VERNON DORGAN IN SUPPORT OF PLAINTIFF'S REPLY IN
SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

STATE OF NEW YORK)

) ss:s

COUNTY OF SARATOGA)

Vernon Dorgan, having been duly sworn, hereby states under the pains and penalties of perjury:

1. I am over 21 years of age and I make the following statements to my personal knowledge. If called upon to testify would competently testify as to the matters stated herein.

2. I am a 9-year resident of South Glens Falls, New York.

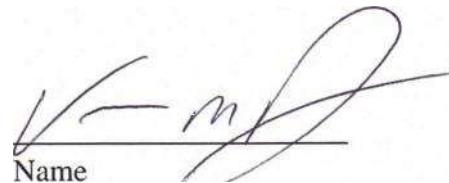
3. I am a member of the New York State Firearms Association ("NYSFA"). I am not suing Superintendent Chumento in my own capacity but know the NYSFA is fighting for my Second Amendment rights against New York's ammunition background checks.

4. I am a law-abiding gun owner and not subject to any possession restrictions under New York or federal law. I passed a background check to purchase a Mossberg Patriot. This gun is a rifle and uses .308 ammunition.

5. On or about October 10, 2023, I went to Wal-Mart in Queensbury, New York and to purchase .308 ammunition.

6. **I was informed that the background check system was offline and I was unable to complete the purchase. I was not offered any avenue by which to purchase ammunition other than to try again some other time. I was unequivocally deprived of my Second Amendment rights through the failure of the background check system.**

7. **Ammunition background checks are pointless, time-consuming exercises against law-abiding gun owners like myself. Every minute I've spent and will spend enduring a background check for ammunition purchases a violation of my Second Amendment rights.**



Name

Signed and swfiefore me this 2⁵-day of October, 2023.

NOTA PUBLIC

MY COMMISSION EXPIRES: 03 /02 / OOZ

ALEJANDRO RAMIREZ
Notary Public, State of New York
Warren County #01RA6405323
Commission Expires Mar. 02, 20 211